

Docket No: 242838US8CONT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

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RE: Application Serial No: 10/665,464
Applicants: Hiroyuki MATSUURA et al.
Filing Date: September 22, 2003
For: METHOD AND APPARATUS FOR INSPECTING
OPTICAL MODULES
Group Art Unit: 2877
Examiner: NGUYEN, TU T.

SIR:

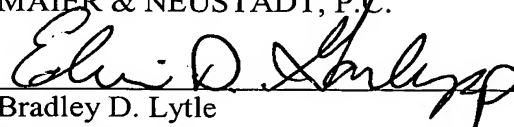
Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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DOCKET NO: 242838US8 CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

HIROYUKI MATSUURA ET AL.

: EXAMINER: NGUYEN, TU T.

SERIAL NO: 10/665,464 :

FILED: SEPTEMBER 22, 2003

: GROUP ART UNIT: 2877

FOR: METHOD AND APPARATUS FOR INSPECTING OPTICAL MODULES

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22314

SIR:

In response to the Restriction Requirement dated January 27, 2005, Applicants provisionally elect Group I, Claims 1 to 25 directed to a system and elect Species I, Claims 1-11, 14-16, and 21-25. Applicants traverse the Restriction Requirement for the following reason.

MPEP § 803 states:

... If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

However, the outstanding Restriction Requirement has not established that an undue burden would exist if the Restriction Requirement was not issued and all the claims were examined together. Moreover, the claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicants respectfully traverse the outstanding Restriction requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Application Serial Number: 10/665,464
In response to Restriction Requirement dated January 27, 2005

Accordingly, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-26 be conducted.

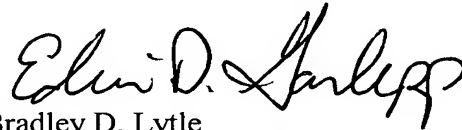
Respectfully submitted,

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